



DOES (S) #

I hereby certify that this paper is being deposited with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Jeffrey Pearce  
Name of person faxing paper

*Jeffrey Pearce*  
Signature

11 May 2004  
Date

#11

## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Edouard BUGNION

Group Art Unit: 2126

Serial No.: 09/592,368

Examiner: Mohammed Siddiqi

Filed: 06/12/2000

Title: Binary Translator with Precise Exception Synchronization Mechanism

Attorney ref: VMware5

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
MAY 19 2004  
OFFICE OF PETITIONS

### CHANGE OF PAYMENT STATUS (NO LONGER SMALL ENTITY) AND NEED TO CHARGE FOR UNDERPAYMENT

Sir:

At the end of the amendment mailed 2 February 2004 was a notice that the applicant is no longer entitled to claim small entity status for the purpose of paying reduced fees. On 23 February 2004, the applicant filed a Request for Continued Examination (RCE), including an authorization to charge deposit account 50-2652 (copy attached) for the required fee. As the attached Deposit Account Statement (copy attached) indicates, however, only the \$385 fee for a small entity was charged against the account for filing the RCE. In other words, the Office **undercharged** account 50-2652 by **\$385**.

The applicant wishes to make sure to pay the full fee of \$770 for the 23 February 2004 RCE, and also to ensure that any other fees incurred since 2 February 2004 are also charged at the full rate for "large" entities. Therefore, please note the authorization below and please make sure to change the Office's records to indicate that the applicant is **not** a small entity.

Adjustment date: 05/19/2004 SLUANG1  
03/02/2004 AWONDAF1 00000062 502652 09592368  
01 FC:2801 385.00 CR

05/19/2004 SLUANG1 00000011 502652 09592368

01 FC:1801 770.00 DA

Serial No. 09/592,368  
Art Unit: 2126

Page 1 of 2

Docket: VMware5

**Request and Authorization to Charge to Deposit Account**

The Commissioner is therefore hereby authorized and requested to charge an additional **\$385.00** to deposit account no. **50-2652** to cover the balance of the RCE filing fee. A copy of this authorization is enclosed.

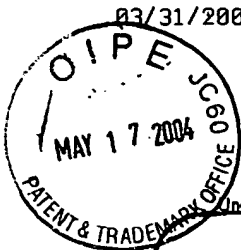
Date: 11 May 2004

Respectfully submitted,



34825 Sultan-Startup Rd.  
Sultan, WA 98294  
Phone & fax: (360) 793-6687

Jeffrey Pearce  
Reg. No. 34,729  
Attorney for the Applicant



# ATTACHMENT

# (COPY)

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/592,368
Filing Date	08/12/2000
First Named Inventor	BUGNION, Edouard
Art Unit	2154
Examiner Name	SIDDIQI, Mohammad A.
Attorney Docket Number	VMware5

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

### 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

### 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-2652

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.138 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Jeffrey Pearce	Registration No. (Attorney/Agent)	34,729
Signature	<i>Jeffrey Pearce</i>	Date	23 February 2004

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Jeffrey Pearce	Date	23 February 2004
Signature	<i>Jeffrey Pearce</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# (COPY)

## Deposit Account Statement .



**United States  
Patent and  
Trademark Office**



VMWARE

Return To:

USPTO  
Home  
Page

Finance  
Home  
Page

### Deposit Account Statement

Requested Statement Month:

**March 2004**

**Deposit Account Number:**

502652

**Name:**

VMWARE, INC.

**Attention:**

DARRYL SMITH

**Address:**

3145 PROTER DRIVE

City:

**PALO ALTO**

**State:**

CA

**Zip:**

94304

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/02	98	09592368	VMWARE5	2801	\$385.00	\$3,471.00
03/05	86	10791602	A43	1001	\$770.00	\$2,701.00
03/05	87	10791602	A43	1202	\$486.00	\$2,215.00
03/05	88	10791602	A43	1201	\$86.00	\$2,129.00
03/09	221	10791602	A43	8021	\$40.00	\$2,089.00
03/16	1	E-REPLENISHMENT		9203	-\$10,000.00	\$12,089.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$3,856.00	\$1,767.00	\$10,000.00	\$12,089.00

**[Need Help?](#) | [Return to USPTO Home Page](#) | [Return to Office of Finance Home Page](#)**